

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1184 OF 2007
IN
FIRST APPEAL NO.560 OF 2007**

Khanderao Sukhadeo Dinde & ors ..Applicants

V/s.

Chagan Khanderao Matale ..Respondent

CORAM : SMT.R.S.DALVI, J.

DATE : 16TH APRIL, 2007

P.C.

1. Respondent absent despite notice by applicants' advocate. The applicants had dispute with his landlord which ended in a compromise decree in 2006. The agreement sought to be declared void is in the suit of 2001 when the applicant never even had any title to the suit whilst the applicant was the tenant.

2. The Arbitration Clause under such an agreement cannot be invoked pending the appeal. Hence, there shall be stay of the Arbitration proceedings pending the appeal.

3. Civil Application is made absolute in terms of prayer clause (a).

(SMT.R.S.DALVI, J.)